UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,995	01/06/2006	Fabrice Tran Xuan	5284-57PUS	2590

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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/533,995	TRAN XUAN ET AL.
	Examiner	Art Unit	
	JAMES J. DEBROW	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 May 2005</u>.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>18-27</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>18-27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 May 2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>7/6/2005 & 5/5/2005</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

This action is responsive to communications: Application filed 06 Jan. 2006.

Claims 18-27 are pending in this case. Claims 18 and 26 are independent claims.

Information Disclosure Statement

The information disclosure statement filed **05 May 2005** fails to comply with 37

CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered. *The*

document numbers listed under the "U.S. Patent Documents" section list incorrect

publication numbers for the U.S. patent application publications.

The information disclosure statement filed **05 May 2005** fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. It has been placed in the

application file, but the information referred to therein has not been considered.

Claim Objections

Claim 18 recites the limitation "*the description file*" in line 5. There is insufficient

antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "*said modified image*" in line 1. There is

insufficient antecedent basis for this limitation in the claim as the limitation is previously

cited as "a modified vector image" in line 8 of claim 1.

Claim 22 recites the limitation "*said remote terminal*". There is insufficient

antecedent basis for this limitation in the claim, as the limitation is previously cited as "at

least one remote terminal".

Claims 18 and 23 should be rewritten in order for the claims to read more

clearly. The Examiner suggests the following claim amendment:

18. (Amended) A system for ~~dynamic generation of~~ dynamically generating

images intended to be transmitted to at least one remote terminal, comprising:

a server, comprising:

source images; and

processing means for ~~the generation~~ generating, from said source images,

~~of said~~ the images intended to be transmitted to ~~for~~ said at least one remote

terminal into a format that is compatible with said at least one remote terminal,

wherein said source images are vector images,

wherein ~~the~~ description file_s_ of ~~at least one of~~ said source images ~~comprising~~ comprise

[[a]]descriptions of ~~the~~ characteristics of said source image_s_ and ~~at least one~~ tag_s_

adapted to cause [[a]]manipulation of all or part of said source image_s_, and

wherein said system comprises means for generating [[a]]modified vector image_s_ from

[[a]] said source image_s_ by replacement of ~~at least one~~ said tag_s_ by [[an]]instruction

code_s_ in said description file_s_ of said source image_s_.

23. (Amended) A system according to claim 18, wherein said processing means

for generating, from said source images, the images intended to be transmitted to said

at least one remote terminal into a format that is compatible with said at least one

remote terminal comprise_s_ a set of image processing programs selectively activated by

said tags ~~in order~~ and used to modify ~~as a result a~~ said source image_s_.

Claim 27 is objected to because of the following informalities: The phrase

"includes a step of consisting of converting" in Lines 1-2 should be amended to —

includes ~~a step of consisting of~~ converting — so that the claim conforms to current

United States patent practice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 26-27:

Claim 26 recites a method *"for dynamic generation of images intended to be*

transmitted to at least one remote terminal" (see Lines 1-2). However, the body of the

claim fails to **positively** recite any methods steps that are performed. Accordingly, the

intended scope of the recited *"method"* is indefinite.

Claim 27 is also indefinite because it incorporates the limitations of Claim 26.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 18-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Spencer et al. (Pat. No.: US 7,109,985 B2; Filed Dec. 14, 2001)

(hereinafter 'Spencer') in view of Haung et al. (Pub. No.: US 2002/0147748 A1;

Effective filing Date: July. 17, 2001) (hereinafter 'Haung').

Regarding independent claim 18, Spencer discloses *a system for dynamic*

generation of images intended to be transmitted to at least one remote terminal,

comprising a server comprising source images and processing means for the

generation from said source images of said images intended for said at least one

remote terminal into a format that is compatible with said at least one remote terminal,

(Abstract; col. 5, lines 7-12; col. 6, lines 39-65; col. 14, lines 9-13; Spencer discloses

dynamically generating images intended to be transmitted. Spencer also discloses

formatting the dynamically generating image into a specific format.).

wherein said source images are vector images, the description file of at least one

of said source images comprising a description of the characteristics of said source

image and at least one tag adapted to cause a manipulation of all or part of said

source image (col. 4, lines 24-38; col. 6, lines 1-24; Spencer discloses an image tag

which is used to manipulate an existing image or create a new image. Spencer also

discloses manipulating metadata of vectors images such as Scalable Vector Graphics

(SVG). Thus Spencer implicitly teaches at least one tag adapted to cause a

manipulation of all or part of said source image.).

Spencer does not expressly disclose *wherein said system comprises means for generating a modified vector image from a source image by replacement of at least one tag by an instruction code in said description file of said source image.*

Haung teaches *replacement of at least one tag by an instruction code in said description file of said source image* (0064-0072; Haung teaches replacing/modifying met-tags of a XML file. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Haung teachings for use in replacing tags of vector images.).

Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Haung with Spencer for the benefit of using met-tag information to design extensible style-sheets (XML) for transferring a source XML file into a target file (0014).

Regarding dependent claim 19, Spencer discloses *a system according to claim 18, wherein said modified image is generated in response to a request sent from said at least one remote terminal, said instruction code being generated according to data conveyed by said request* (col. 4, lines 24-38; Spencer discloses an image tag which is used to manipulate an existing image or create a new image, and transmitting the new "result" image to the called party (browser, email, client, etc.). Using the broadest reasonable interpretation, the Examiner concludes manipulation of an image to include but not be limited to modifying an image.).

Regarding dependent claim 20, Spencer discloses *a system according to claim 18, wherein said system further comprises means for converting said modified vector image into a pixel image* (col. 5, lines 7-12; col. 6, lines 27-31; Spencer discloses formatting image data. Spencer discloses rendered digital images are generally represented in an array of pixels that can be displayed or printed. Thus it has been established and well known in the art that a vector image can be converted into a pixel image.).

Regarding dependent claim 21, Spencer discloses *a system according to claim 20, wherein said means for converting said modified vector image into a pixel image are hosted in the server* (col. 4, line 61- col. 5, line 12; col. 14, lines 1-13; Spencer discloses formatting image data. Spencer discloses rendered digital images are generally represented in an array of pixels that can be displayed or printed. Spencer further discloses a dynamic imaging server which formats documents into specific image formats.).

Regarding dependent claim 23, Spencer does not expressly disclose *a system according to claim 18, wherein said processing means comprise a set of image processing programs selectively activated by said tags in order to modify as a result a source image.*

Haung teaches *processing means comprise a set of image processing programs selectively activated by said tags in order to modify as a result a source image* (0067; 0070; 0075; Haung teaches modifying meta-tag information to modify an image.).

Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Haung with Spencer for the benefit of using met-tag information to design extensible style-sheets (XML) for transferring a source XML file into a target file (0014).

Regarding dependent claim 24, Spencer does not expressly disclose *a system according to claim 18, wherein said processing means further comprise means for generating a stylesheet adapted to insert presentation data into the images.*

Haung teaches *processing means further comprise means for generating a stylesheet adapted to insert presentation data into the images* (0045; 0052; 0076; 0091; Haung teaches generating a stylesheet adapted to insert presentation data into the images.).

There at the time of the invention it would have been obvious to one of ordinary skill in the art to combine Haung with Spencer for the benefit of using met-tag information to design extensible style-sheets (XML) for transferring a source XML file into a target file (0014).

Regarding dependent claim 25 Spencer does not expressly disclose *a system according to claim 24, wherein said means for generating said stylesheet comprise*

means for generating said stylesheet according to data transmitted from the remote

terminals.

Haung teaches *means for generating said stylesheet comprise means for*

generating said stylesheet according to data transmitted from the remote terminal

(0045; 0052; 0076; 0091; Haung teaches the stylesheet may be created in a

computing device, which may be a server or a desktop computer.).

There at the time of the invention it would have been obvious to one of ordinary

skill in the art to combine Haung with Spencer for the benefit of using met-tag

information to design extensible style-sheets (XML) for transferring a source XML file

into a target file (0014).

Regarding independent claim 26, Spencer discloses *a method for dynamic*

generation of images intended to be transmitted to at least one remote terminal

(Abstract; col. 5, lines 7-12; col. 6, lines 39-65; col. 14, lines 9-13; Spencer discloses

dynamically generating images intended to be transmitted. Spencer also discloses

formatting the dynamically generating image into a specific format.).

wherein said images are generated from source vector images, the description

file of at least one of said source vector images comprising a description of the features

of said source vector image and at least one tag adapted to cause a manipulation of all

or part of said source vector image (col. 4, lines 24-38; col. 6, lines 1-24; Spencer

discloses an image tag which is used to manipulate an existing image or create a new

image. Spencer also discloses manipulating metadata of vectors images such as

Scalable Vector Graphics (SVG). Thus Spencer implicitly teaches at least one tag

adapted to cause a manipulation of all or part of said source image.).

Spencer does not expressly disclose *method including a step consisting of*

generating a modified vector image from a source vector image by replacement of at

least one tag by an instruction code in said description file of said source vector image.

Haung teaches *method including a step consisting of generating a modified*

vector image from a source vector image by replacement of at least one tag by an

instruction code in said description file of said source vector image (0064-0072; Haung

teaches replacing/modifying met-tags of a XML file. At the time of the invention it would

have been obvious to one of ordinary skill in the art to modify Haung teachings for use

in replacing tags of vector images.).

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Haung with Spencer for the benefit of using met-tag

information to design extensible style-sheets (XML) for transferring a source XML file

into a target file (0014).

Regarding dependent claim 27, Spencer discloses *a method according to claim*

26, wherein said method further includes a step consisting of converting said modified

vector image into a pixel image (col. 5, lines 7-12; col. 6, lines 27-31; Spencer

discloses formatting image data. Spencer discloses rendered digital images are

generally represented in an array of pixels that can be displayed or printed. Thus it has

been established and well known in the art that a vector image can be converted into a

pixel image.).

NOTE

It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Spencer view of Haung further in view of Motamed et al. (Pub. No.: US

2005/0237571 A1; Effective filing Date: April 23, 1999) (hereinafter 'Motamed').

Regarding dependent claim 22, Spencer in view of Haung does not expressly

disclose *a system according to claim 20, wherein said means for converting said*

modified vector image into a pixel image are hosted by said remote terminal.

Motamed teaches *means for converting said modified vector image into a pixel*

image are hosted by said remote terminal (0003-0006; It has been established and well

known in the art that means for *converting a vector image into a pixel image are*

typically hosted by a remote terminal. For example, Motamed teaches every image that

exist, whether vector or bitmap format data, must be rendered in pixel for display on a

monitor or for printing on a printer. All images have pixels as their base. Motamed

further teaches the raster image process (RIP) which is dedicated to

translating/converting digital image data for output. The software RIP that is usually

located on a workstation.).

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Motamed with Spencer in view of Haung for the

benefit of a RIP program providing translation of image information in accordance with

a well known format (0005).

NOTE

It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James J. Debrow whose telephone number is 571-272-

5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
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